

Message

From: Peak, Nicholas [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=929DF8C22E554FB89F9B0850729E1A51-PEAK, NICHOLAS]
Sent: 3/27/2018 3:47:19 PM
To: Lance.Holloway@deq.idaho.gov
Subject: RE: Wilson Creek Cattle Feeders Info (UNCLASSIFIED)

Got it... I may have some folks look further into this and no worries on the short notice. If we need to do a jurisdictional determination, we can do that. FYI... we've inspected these guys in the past and had concerns about discharges, but couldn't track it all the way downstream.

Nick Peak
Agriculture Advisor
EPA, Region 10
208-378-5765

-----Original Message-----

From: Lance.Holloway@deq.idaho.gov [mailto:Lance.Holloway@deq.idaho.gov]
Sent: Tuesday, March 27, 2018 9:46 AM
To: Peak, Nicholas <Peak.Nicholas@epa.gov>
Subject: RE: Wilson Creek Cattle Feeders Info (UNCLASSIFIED)

FYI they are definitely currently discharging, you can see the runoff in google shots flowing into the creek. Yes I apologize for the short notice it just came to me this a.m. there might be a bigger issue here. I do think EPA could further look into this so we don't approve a 404 with other issues attached causing a backlash. Also FYI, Owyhee County approved this CUP to go forward so in their minds we are just a nuisance to get through.
Thanks, Lance

Lance Holloway, Surface Water Manager
Boise Regional Office - IDEQ
1445 North Orchard, Boise, ID 83706
Direct: (208) 373-0564
Email: Lance.Holloway@deq.idaho.gov

-----Original Message-----

From: Peak, Nicholas [mailto:Peak.Nicholas@epa.gov]
Sent: Tuesday, March 27, 2018 9:37 AM
To: Lance Holloway
Subject: RE: Wilson Creek Cattle Feeders Info (UNCLASSIFIED)

Hey Lance,

Short notice, but I touched base with our jurisdictional folks on your questions below. First, based on a very quick look, they think that Wilson Creek could be a seasonal tributary and thus, waters of the US. But, to provide a definitive answer they'd need more time to gather and analyze data on flow frequency and duration and whether there's a significant nexus to the integrity of downstream navigable water. I'd also like to be clear, that if Wilson Creek Cattle Feeders are clearing or grading more than an acre of land, they probably need to get a construction stormwater permit for the project.

On the other hand, absent of any project or expansion, if Wilson Creek cattle feeders is currently discharging to Wilson Creek without a CAFO permit, then they're in violation of the CWA. So, there seems to be a 404 issue, and two 402 issues potentially at play here.

Let me know if you'd like me to get some folks to dig in on the issue more.
-Nick

Nick Peak
Agriculture Advisor
EPA, Region 10
208-378-5765

-----Original Message-----

From: Lance.Holloway@deq.idaho.gov [mailto:Lance.Holloway@deq.idaho.gov]
Sent: Tuesday, March 27, 2018 8:25 AM
To: Peak, Nicholas <Peak.Nicholas@epa.gov>
Subject: FW: Wilson Creek Cattle Feeders Info (UNCLASSIFIED)

Hey Nick, Ex. 5 Deliberative Process (DP) Hey per the attached 404 project, Wilson Creek Feeders are expanding by like 30000 head or something and that expansion entails new feedlot space covering Wilson Creek, which they want to reroute around the new feedlot space. We prefer it stay in place, although a dry bed most of the time it is a creek with bed and bank that does flow in the spring freshet mostly, and maybe a winter rain on snow. SO if this creek, dry more than not, is in their feedlot would they need to NOI for a permit to discharge? Or is the permit for just a pipe running into a WOTUS situation? We meet with these guys today and want to provide them as much info as possible.
Thanks, Lance

Lance Holloway, Surface Water Manager
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1445 North Orchard, Boise, ID 83706
Direct: (208) 373-0564
Email: Lance.Holloway@deq.idaho.gov

-----Original Message-----

From: Julia Achabal
Sent: Thursday, March 15, 2018 11:03 AM
To: Lance Holloway
Subject: FW: Wilson Creek Cattle Feeders Info (UNCLASSIFIED)

Plug these into google earth.
43°21'16.61" N 116°41'10.73" W

The App Amendment shows how they would like to reroute the creek.
Goog earth shows that maybe they drive 4wheelers in the creek bed when its dry.

-----Original Message-----

From: Biljan, Megan CIV USARMY CENWW (US) [mailto:Megan.Biljan@usace.army.mil]
Sent: Wednesday, March 14, 2018 10:52 AM
To: Julia Achabal
Subject: Wilson Creek Cattle Feeders Info (UNCLASSIFIED)

CLASSIFICATION: UNCLASSIFIED

Hi Julia,

Thanks again for responding back to me and going over some details of the proposed relocation of Wilson Creek. Attached is the application, with both the original piping plan and the alternative plan for relocation. If you need any other information or have any questions please feel free to contact me.

Sincerely,

Megan Biljan
Project Manager
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CLASSIFICATION: UNCLASSIFIED